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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/522,945	08/11/2005	Adrianus Marcus	U 015613-6	8308
140 7590 04/02/2009 LADAS & PARRY LLP 26 WEST 61ST STREET NEW YORK, NY 10023				
EXAMINER				
MARSH, STEVEN M				
ART UNIT		PAPER NUMBER		
3632				
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04/02/2009		PAPER		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

### Office Action Summary

**Application No.**

10/522,945

**Applicant(s)**

MARCUS, ADRIANUS

**Examiner**

STEVEN M. MARSH

**Art Unit**

3632

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 14 January 2009.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-31 and 33 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-9, 16, 22, 24-31 and 33 is/are rejected.
- 7) ☒ Claim(s) 10-15, 17-21 and 23 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

### **DETAILED ACTION**

This is the second office action for U.S. Application 11/522,945 for a Cable Storer filed on August 11, 2005.

#### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-6, 22, 24, and 33 are rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent 7,172,150 to Hutchison II et al (Hutchison). Hutchison discloses a cable storage comprising a housing (20 and 52) with a cable (54) inserted therein. The housing comprises at least one cable inlet (44) and one cable outlet (46) arranged opposite the inlet, and wherein the cable is inserted into the housing in substantially concentric circles and enters the housing through the cable inlet and exits through the cable outlet. The inlet and outlet are arranged on the outer periphery of the housing and are formed as recesses opening towards an upper edge of a housing frame or cover (96... the recess are opened at the top and then closed by 96), characterized in that the cable is inserted according to an insertion pattern which is chosen such that parts of the cable are pre-twisted in different directions (one end is

twisted to go out of the inlet and the other the outlet in the opposite direction). The housing comprises at least one housing frame (20) and one cover (52), and there is a bottom element arranged in the area of the semi-circular base portion. There is also a bottom element (30) arranged in the area of the base. Claims 2-5 contain limitations to the process by which the cable is inserted before reaching a circular position. However, the process does not limit the product's structure and therefore the limitations to the finished product are being considered.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 7-9, 16, 25-31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hutchison. Hutchison fails to disclose two U-legs with a semi-circular bottom or the material that the cable storage is made of. However, the specific shape is a matter of design preference and the decision to utilize a circular shape or an oval shape (inherently would have two legs with a semi-circular bottom) is a matter of design preference. The features of claims 8 and 9 would be inherent in the resultant structure. With respect to claims 25-27, Hutchison discloses the cover as slightly larger than the area between the outer portion and the cover has a portion (the sides) extending downward towards the housing. There are also openings in the cover (62, 66) in the

area of the border for fixing of the cover on the housing frame that could also be used for attachment of a bracing element. With respect to claims 28-30, the housing frame has holding projections (42, 48) on both sides of the housing opposing the semi-circular portion and formed as angle plates. With respect to claims 31 and 32, the specific type of material is a design preference and it would have been obvious to one of ordinary skill in the art to make the cable storage of a known material such as aluminum.

### ***Allowable Subject Matter***

Claims 10-15, 17-21, and 23 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

### ***Response to Arguments***

Applicant's arguments filed January 14, 2009 have been fully considered but they are not persuasive. Amended claim 1 does not contain all of the limitations from original claim 22, which was indicated as allowable.

### ***Conclusion***

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Steven Marsh whose telephone number is (571) 272-6819. The examiner can normally be reached on Monday-Friday from 8:00AM to 4:30 PM. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (571) 272-3600. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

/S. M. M./  
Examiner, Art Unit 3632  
Steven M. Marsh

/Anita M. King/  
Primary Examiner, Art Unit 3632

March 29, 2009